

The Pocahontas Times

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CALVIN W. PRICE, EDITOR.

THURSDAY, MAY 4, 1916

A friend mailed us a little magazine with a story marked in it. The tale was about a man who was quick to anger but slow to pay his debts, the kind of man who is to be found in every community. This man went into a hardware store to buy a coffee pot. The price was a dollar and a half. He laid the money down on the counter and ordered the coffee pot wrapped up, but the merchant put the money in the cash drawer and replaced the pot on the shelf, saying that he had been trying to collect a dollar and a half from this man for two years and that now they were square.

The customer lost his temper and decided that he would have his action against the merchant for the trick that had been played upon him and he went to see his lawyer. The lawyer pointed out to him that the amount involved did not warrant a lawsuit, but the client declared that money was no object to him and that he wanted to go to law about it and that at once. The lawyer then lifted a retaining fee of five dollars from the irate man. Afterwards he called at the hardware store and purchased a coffee pot for the sum of \$1.50, which he turned over to his client and thereby satisfied his client and closed the case, being three dollars and a half to the good for walking across the street and buying the goods.

We are not prepared to say whether the activities of the lawyer in this instance were worthy of the high standards of his profession. Probably the smallness of the transaction all the way around would prevent criticism for taking advantage of the infirmities of the man's temper, for in law as in other things no account is taken of little things, but it too often happens that a client is allowed to bring a law suit before he has had a chance to let his anger cool, and in this way becomes entangled in the mazes of the law to his disadvantage.

But laying aside all questions of ethics, the question naturally presents itself to the analytical mind as to whether the merchant in the anecdote above could have been proceeded against for his method in collecting his debt. Our conclusions are that he was well within the law.

Then comes up the question as to whether it would have been better for the lawyer to have so advised his client and charged him five dollars for the opinion, or to have taken the course that he did whereby he recovered the goods in a way, at no greater cost to the client, than if he had been advised as to the respective rights of the parties involved in the transaction.

There are two similar cases in West Virginia which have reached the highest court. In one case it was a question of debt between two farmers. One day when the debtor was away from home the creditor drove up in a wagon and told the debtor's wife that her husband had said for him to come and get a wagon load of potatoes. So he loaded the potatoes and drove away. Presently the poor debtor came home and found that his potatoes had been hauled away. He had sent no such word, and he went to the county seat and had the man indicted and convicted of taking the potatoes under a charge of false pretense, which is the same thing as stealing.

The court of appeals held in effect that a false representation by which a man is cheated into the performance of a duty, is not within the statute against larceny.

This potato case was almost exactly the old English case in which the question came up. There a man by the name of Williams was sent by his master to a debtor's house. The debtor was absent and Williams said to the debtor's wife that her husband had sold two sacks of malt and so obtained the goods. There had been no such sale and he was tried for larceny and acquitted by the jury upon an instruction by the court.

Judge Green in a case from Harrison county involving this question said that it was doubtless immoral for a person by false pretenses to obtain the payment of a debt, but that it was not necessarily illegal.

The last case to come up was in Braxton county. There a defendant by the name of Williams went to a farmer and said that he wanted to buy a cow for a butcher in Sutton. The cow was sold under such circumstances for \$27.50, and both men proceeded to Sutton, leading the cow. When they got there Williams locked the cow in a stable, and presented to the farmer a judgment obtained by a man by the name of Frame, and assigned to Williams. The farmer decided that he had been framed up, and went to law. Williams was indicted, and convicted and sentenced to the pen and appealed to the Supreme Court.

That court turned him loose, on the principles referred to above, but said that it was not to be understood as approving the defendant's method of collection.

One of the prohibition newspapers of West Virginia came out last week with big type on its front page urging all members of that party to stay away from the June primary, and bitterly complaining of the act of the legislature which prevents the small parties from participating in the primary election. We have never seen any reason advanced why the law was framed to exclude all of the minor parties in West Virginia. The fight is limited to two champions and the five or six other parties are denied even a qualifying round. It is something like machinery stalled by reason of a dead center. The prohibitionists cannot get into the elections until they cast at least three percent of the entire congressional vote in the state, and they cannot cast three per cent very well until they get a place on the ballot. The outlook is very gloomy for the select few who being moved by a spirit of noble discontent have gravitated together to form the small parties. Our curiosity is excited and we would just like to know what the leaders said when they decided to bar the malcontents from taking part in the elections. The majority in West Virginia have never lacked for political acumen. They have always known what they were about. This is no mere oversight. Some of the old gray wolves looked right through the grindstone and saw the result of a law that kept the small fry from pestering around during an election. So far as we can see, they have not been threatened by any retaliation. The big sign we spoke of above is not even a slap on the wrist. The bosses do not care how many prohibitionists stay away from the polls. These small parties can nominate by petition but in that case they must get the signatures of five per cent and that is harder than the other proposition.

The way the thing worked out in West Virginia, the existence of the prohibition party was not justified. The members of that party had no hand in the election of the legislature which submitted the prohibition amendment, and their votes were not needed in carrying the state for the measure. The progressive party was not a real party. It was a branch of the republican party. But there is a party that does stand for a definite political idea and that one cuts a great figure in some civilized nations, and that is the socialist party that commands the sober consideration of every thoughtful man, and it seems to us, that it was a mistake to run the steam roller over them, for the time may come when other important things than the mails are included in the scheme of government. When that time comes history will not deal lightly with the action of a legislature in its effort to smother the party.

We all look forward with interest to the November election to see what effect the election law has had upon the general result. It is possible that there might be a flight of Parthian arrows that will decide the fight. It seems to us that the least thing that the democratic party could do would be to pledge itself to give back to these little parties the sporting chance to carry an election.

Why is Henry Ford? That is the question. He has been mentioned for the presidency. Many others have been spoken of in connection with the republican nomination. It is the hardest thing in the world to find a suitable man for president. This is shown by the idea of hereditary monarchy, by which some nations avoid the wrench of the selection of a ruler. The circumstances attending the campaign now waged by the republican party are similar to those confronting the democratic party in 1896. Cleveland was out of the question by reason that he had served two terms, and for other reasons. Any number of names had been mentioned for nominations. Bryan had not been considered. Then the convention met and Bryan swept it off its feet by a spread eagle speech, and was nominated and thereby much error crept into the democratic party. The republican convention at Chicago is going to be an interesting event of 1916. We are moved to make a guess. We would not be surprised to see Sherman of Illinois nominated.

We remember many elections in West Virginia. So many that we do not like to think about it. It appalls and dismays. We have seen much bad blood in politics. It looks to us sometimes as though West Virginians must be more intense than the people of other states. We have fussed and fiddled with factional fights since the days when the democrats fell into fits of insane profanity at the sight of a blue army overcoat. But all the bitter times that we have been through, the present contest between the Lilly and Robinson factions overshadows all of them. It comes with the force of a world in arms to celebrate the first com-

pulsory primary in the state; and it is set for a time that will cause the doing of the national convention at Chicago to pass practically unnoticed in West Virginia. These two major events should not have been put on the stage the same week.

Lilly is not the first attorney general who raised a ruckus. Aaron Burr was attorney general of the State of New York when he first made a start for political prominence. Like Lilly, his elevation to that office was not attended with any momentous disturbances. Being in, however, his next move was against the established order. He went after the scalp of Gen. Schuyler, for the United States senatorship, and won. Like Lilly, he had a definite platform. Until Burr raised the question, the meetings of the United States senate were held behind closed doors, the public being excluded. Burr attacked this custom and he opened the doors of the senate chamber to the public. What Burr did for the machine in New York was a plenty. But Burr was able to divide it against itself by getting Governor Clinton and the Livingstones on his side. But Lilly, so far as we can tell, does not seem to have his governor on his side. He seems to be on the other side.

All this talk of the republicans nominating Wilson may amount to something, and it might be best for the nation to do it, but it would be a sad day for the democratic party, other than the national organization. The candidates for congress, state, district, and county officers would lose a much needed asset in their contest.

At the present writing that man Villa's postoffice address as well as his post mortem is somewhat of a mystery. We thought at one time he was dead enough for all practical purposes but the war department decided to go on beating the bushes. There is a story that when Talleyrand was Minister of Foreign Affairs of France, that there was a report that George III was dead, and it was a matter that concerned speculative affairs. Finally a banker went to see Talleyrand and asked if the report was true, and he got this cautious answer: "Some say that the King of England is dead; others say that he is not dead; but as you wish my opinion, I will say, well, then, I believe neither. I mention this in confidence to you; I rely on your discretion: the slightest imprudence on your part would compromise me most seriously."

We see very few Germans in this part of the country, and these are for America first, last and all the time, unless they have fooled us to the top of our bent. Lately we saw a man of German descent whom we used to know very well before the war but we had not seen him since the war began. We began to try him out with all the craft and grace of a draft horse. And the first question we asked him was: "Are you an old world man?" It riled him all up and he showed signs of strong resentment and he declared for the constitution of the United States and a few other things. But we broke in: "I mean are you a worldly old man." We could gather that much from his conversation. Then he smiled for the first time and said that was controversial, but the other called for a fight.

As for my chosen pursuit of angling which I follow with diligence when not interrupted by less important concerns, I rejoice with every true fisherman that it has a greeting all its own and of a most honorable antiquity. There is no written record of its origin. But it is quite certain that since the days after the Flood, when Deucalion

"Did this art invent Of angling, and his people taught the same."

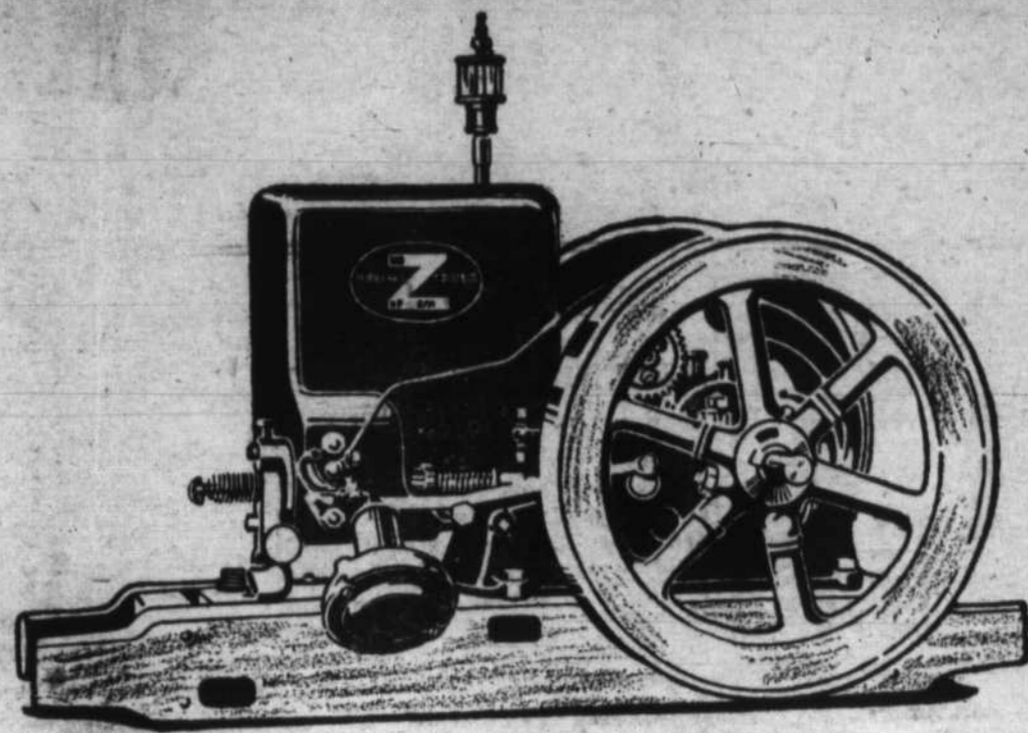
Two honest and good-natured anglers have never met each other by the way without crying out, "What Luck?"—Henry Vandyke. We do assure the good Doctor Vandyke that this is not the exact salutation down here. It is "What for luck?"

And the reverend gentleman goes on to say: "Fisherman's luck is so notorious that it has passed into a proverb. But the fault of that familiar saying is that it is too short and too narrow to cover half the variations of the angler's possible experience. For if his luck should be bad, there is no jortion of his anatomy, from the crown of his head to the soles of his feet, that may not be thoroughly wet."

Why, Doctor Vandyke! We do not know when we have been so shocked and surprised!

Ireland had a short lived revolution. It lasted less than a week. The Irishmen refused to respond. It did not last long enough to be called the lost cause. It fell as flat as Villa's invasion of the United States. They showed fight for a moment and then ran. It was an Irishman who wrote: "Rebellion! foul, dishonoring word, Whose wrongful blight so oft has stained The holiest cause that tongue or sword Of mortal ever lost or gained. How many a spirit, born to bless, Hath sunk beneath that withering

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ANNOUNCEMENTS

STATE SENATOR

I am a candidate for the democratic nomination for State Senator for the Tenth Senatorial District of West Virginia, subject to the primary election to be held on the 8th day of June, 1916. FRED L. FOX.

LEGISLATURE

We are authorized to announce R. M. Yeager a candidate for re-election to the House of Representatives, of West Virginia, subject to the action of the voters of the Democratic party, in the primary election to be held June 6, 1916.

We are authorized to announce A. E. Kinnison a candidate for the office Representative in the House of Delegates, subject to the action of the Republican party in the primary election.

SHERIFF

We are authorized to announce E. F. McLaughlin a candidate for the office of Sheriff of Pocahontas County subject to the action of the Democratic party in the primary election to be held June 6, 1916.

We are authorized to announce J. L. Sheets a candidate for the office of Sheriff of Pocahontas county subject to the action of the Democratic party in the primary election to be held on June 6, 1916.

ASSESSOR

We are authorized to announce J. H. Buzzard a candidate for the office of Assessor for Pocahontas county, subject to the action of the Democratic voters, in the primary election to be held June 6, 1916.

I hereby announce myself a candidate for the nomination for Assessor of Pocahontas County, subject to the action of the Republican party in the primary election, to be held June 6th 1916.

J. Marvin Gillespie.

We are authorized to announce John A. Cleek a candidate for the office of Assessor of Pocahontas, subject to the action of the Democratic party in the primary election to be held June 6, 1916.

COUNTY COMMISSIONER

We are authorized to announce J. O. Carey for the office of County Commissioner of Pocahontas county, subject to the action of the Democratic party, in the primary election to be held June 6, 1916.

We are authorized to announce Withrow McClintic a candidate for the office of Commissioner of County Court, subject to the action of the Democratic party.

We are authorized to announce Dr. N. R. Price a candidate for re-election as a member of the County Court, subject to the action of the Democratic voters.

JUSTICE OF PEACE

We are authorized to announce J. B. Sutton a candidate for the office of Justice of Peace for Greenbank District, subject to the action of the Democratic party, in the primary election to be held June 6, 1916.

We are authorized to announce F. T. LaBue a candidate for re-election to the office of Justice of Peace for Levels District, subject to the action of the Democratic party, in the primary election to be held June 6.

We are authorized to announce H. H. Hudson a candidate for Justice of the Peace of Greenbank District, subject to action of the Democratic party.

I hereby announce myself a candidate for the office of Justice of the Peace of Greenbank District, subject to the action of the Democratic party. If elected will hold court at Durbin and other points, if necessary for the convenience of the public. I will also have a stenographer when necessary. JOHN P. TOWNSEND.

We are authorized to announce John M. Geiger a candidate for the office of Justice of the Peace of Edra District, subject to the action of the Democratic party.

At the request of voters of the Greenbank District wanting to elect one justice in the lower end of the District, I announce myself subject to the action of the Democratic party. Wm. GMOER.

CONSTABLE

We are authorized to announce R. K. Burns a candidate for re-election to the office of Constable for Edra district, subject to the action of the Democratic party, in the primary election to be held June 6.

We are authorized to announce D. W. Shar p a candidate for re-election to the office of Constable for Edra district, subject to the action of the Republican party.

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